IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 66 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/09/2004 in WP NO : 16818 OF 2004 on the file of the High Court.)

Between:

Bandari Harinath, S/o. Late Ramulu,
Bhadrachalam, Khammam District.

..... APPELLANT

AND

1 The Mandal Revenue Officer, Bhadrachalam, Khammam District.
2 The Agency Divisional-Officer, (Sub Collector) Bhadrachalam, Khammam District.
3 The Govt., of India, rep. by its Chairman, Tobacco Board, Guntur.
4 The Auction Superintendent, Tabacco Board, Bhadrachalam, Khammam District.

5 Sri Seetharamachandra Swamy Vari Devasthanam, rep.
by its Executive Officer,
Bhadrachalam, Khammam District.

.....RESPONDENTS

Counsel for the Appellant : MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondent Nos. 1 & 2: GP FOR REVENUE

Counsel for the respondent Nos. 3 & 4: MR. C.V.R. RUDRA PRASAD FOR MR. S. SRINIVAS REDDY.

Counsel for the respondent No.5: MR. K. RAVI.

The Court made the following :

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ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Learned single Judge dismissed the writ petition with liberty reserved to the petitioner – appellant to move competent authority by filing a civil suit under the regulations to protect the possession, if any, against 4th respondent and pursuant to the said order, petitioner – appellant herein filed civil suit in O.S.No.244 of 2004 before the Sub-Divisional Magistrate (Mobile Court), Bhadrachalam, under Rule 7 of A.P. Agency Rules, 1924. There is no manner of doubt that once the petitioner has approached the competent authority for adjudication of his rights, the question raised herein that transaction in favour of 3rd respondent is in violation of the provisions of law

can also be raised by the petitioner – appellant in those proceedings. There is no ground to interfere with the order passed by the learned single Judge relegating the petitioner – appellant to alternative remedy of civil suit.

2. In the result, writ appeal is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 19.01.2005.

VRK.

To

1 The Mandal Revenue Officer, Bhadrachalam, Khammam District.
2 The Agency Divisional-Officer, (Sub Collector) Bhadrachalam, Khammam District.
3 The Govt., of India, rep. by its Chairman, Tobacco Board, Guntur.
4 The Auction Superintendent, Tabacco Board, Bhadrachalam, Khammam District.
5 Sri Seetharamachandra Swamy Vari Devasthanam, rep. by its Executive Officer,
Bhadrachalam, Khammam District.

6. Two CCs to G.P., for Revenue, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.A.NO. 66 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 19.01.2005.